SINGLE BENCH (1)

3 C-8,1001

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO -2579 /2006

Petitioner

Ramnath Vishwakarma aged 60 years, S/o Sahdev Vishwakarma, Occupation - Shock up Machanic near Pawan Talkies, Railway Crossing, Korba r/o Durpa Road Korba, Distt. Korba (C.G.)

VERSUS

Respondents

1. State of Chhattisgarh through secretory Home Afairs D.K.S. Bhawan, Raipur (C.G.)
2. Suprintendent of Police, Janjgir, Distt.-Janjgir-Champa (C.G.)
3. Suprintendent of Police,Korba, Distt.-Korba (C.G.)
4. Station House Officer, Police station Kusmunda, District Korba (C.G.)
5. Station House Officer, Police station Akaltara, Distt.-Janjgir-Champa (C.G.)
6. Public Health Center, Baloda through,B.M.O. PHC, Baloda District Janjgir Champa, (C.G.)
7. Mahendra Singh Tomar, S.P. Korba, at present posted at 32 Batallian, Sakri, Bilaspur (C.G.)
8. Amit Kumar, S.P. Distt.-Janjgir-Champa (C.G.)
9. K.S. Thakur
   T.I., P.S.-Kusmunda, Distt.-Korba (C.G.)
10. Dhannu Yadav,
    I/c.- O.P. Baloda, P.S.-Akaltara, Distt.-Janjgir-Champa (C.G.)

P.R. No. 263586
Presented by Shri. Kalyan Thakur
dated 12-5-06

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4 (2)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2522 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19.2.2007 Shri Abhijeet Sarkar, counsel for the petitioner. Shri U.N.S. Deo, G.A. for the State/respondents. Heard on I.A.No. 8640/2006, application for permission to delete the name of respondent No. 8 from the array of respondents. Learned counsel for the State/respondents does not oppose the above application. The application {I.A.No. 8640/06} is allowed. Name of respondent No. 8 be deleted from the array of respondents. Also heard on I.A.No. 9665/06, application on behalf of the petitioner for issuance of directions to the respondents and I.A.No. 10108/06, additional submission in respect of the application for issuance of directions to the respondents. Learned counsel for the petitioner submits that subsequent to filing of the instant petition, the police authorities are harassing the petitioner and his family members with a purpose to compel him to withdraw this petition. Details of the harassment have been provided	

मामला क्रमांक W.P. 2579 **सन् 2006**

आदेश पत्रक (पूर्वानुबंध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

subsequently by way of additional submission. It is alleged that somewhere in the month of June 2006 Shri Himanshu Gupta, Superintendent of Police, Korba, C.S.P. Korba, Sirmaur, Shri R.K. Sahu, C.S.P., Darri, Shri Surjit Kumar, S.P. Korba and other staff members came to the house of the petitioner and threatened him and his family members in the presence of some other persons.

This allegations has been vehemently denied by the respondents through their reply dated 15.12.2006, which is supported by an affidavit of Shri M.D. Khalko, S.D.O. (P), Katghora, Distt- Korba. As per the allegations in the petition, the incident occurred somewhere in the month of June 2006, however, the specifics regarding the complaint divulged in the month of October, 2006 i.e. after about four months. Though there are certain reference in the petition regarding the complaint lodged by the petitioner against the above acts of the respondents, no copy of the said complaint has been filed along with the petition.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2537 **सन्** 200 6

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Learned counsel for the petitioner fairly submits that now he is not being threatened by the respondents. On the other hand, learned counsel for the respondents denies the allegations and submits that the officers named in this petition have taken charge of their respective posts at Korba after the incident of death of son of the petitioner dated 18.2.2004, therefore, there is no occasion for the answering respondents to indulge into the acts alleged. Be that as it may, taking into consideration the fact that the petitioner concedes that now he is not being threatened, the above application {I.A.No. 9665/06} stands disposed of. The respondents have also filed additional return to the petition and rejoinder filed by the petitioner. From perusal of the additional return it is observed that subsequent to dismissal of the earlier writ petition bearing No. 2124/2004, the police has made further investigation and in the process, they have made sincere efforts to ascertain the cause of death of the petitioner's son and for this purpose a	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2539 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

detailed report was requisitioned from the Department of Forensic Medicine, Pt. J.N.M. Medical College and Ambedkar Hospital, Raipur. From perusal of this report dated 19.10.2004 it appears that the forensic experts are not in a position to give categorical opinion regarding cause of death of the deceased.

Learned counsel for the respondents submits that Merg investigation is still going on and the police is making all endeavours to ascertain the cause of death of the deceased and to collect any incriminating evidence which may throw some light upon the circumstances under which deceased Kailash Vishwakarma, son of the petitioner, died.

Taking into consideration the additional return filed by the respondents and further considering the report dated 19.10.2004 of Dr. R.K. Singh, Professor and Head of Deptt. Of Forensic Medicine & Toxicology, J.N.M. Medical College, Raipur, this Court is of the considered opinion that the prayer of the petitioner for registration of First Information Report in connection with the suspicious death of son of the petitioner

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P.2577.. **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	namely Kailash Vishwakarma, cannot be acceded to at this stage. Accordingly, the petition is dismissed Consequently, I.A.No. 8886/06 application for out of turn hearing stands disposed of . **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.